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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,906

01/28/2005

Uwe Lasebnick

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9453

22511 7590 07/10/2008

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EXAMINER

BOECKMANN, JASON J

ART UNIT

PAPER NUMBER

3752

NOTIFICATION DATE

DELIVERY MODE

07/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/523,906	<b>Applicant(s)</b> LASEBNICK, UWE	
	<b>Examiner</b> Jason J. Boeckmann	<b>Art Unit</b> 3752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/29/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 7, 12, 15-20 and 22-25 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052), in view of Kwok et al. (4,267,856).

Murawa shows a nozzle for a washing system in particular for vehicle windscreens, comprising: a nozzle body (102) with a receiving device (107) provided in the nozzle body, into which receiving device a nozzle insert (120a, 120b) is inserted, and a valve (111) disposed within the nozzle body, wherein the nozzle insert influences

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a jet form of a liquid jet leaving the nozzle, the receiving device has at least two inlets (122a, 122b) for a cleaning liquid, and the nozzle insert is configured to influence the cleaning liquid coming from one inlet of the at least two inlets in a different manner from the cleaning liquid coming from another inlet of the at least two inlets, but does not specifically disclose that the valve controls liquid flow through the at least two inlets with a single moving member, the single moving member being operable to block flow to one of the two outlets while allowing liquid flow through the other of the two outlets, such that the single moving member prevents simultaneous liquid flow through the two inlets.

However, Kwok et al. shows a pressure controlled valve having one inlet (14), two outlets (28, 26), and a single moving member (30) for controlling the flow through the outlets, the single moving member being operable to block flow to one of the two outlets while allowing liquid flow through the other of the two outlets, such that the single moving member prevents simultaneous liquid flow through the two inlets. It is noted that when the single moving member 30 is in the position as shown in figure 3, it is allowing liquid flow through inlet 28 but preventing liquid flow through inlet 26, and therefore, the single moving member is preventing simultaneous liquid flow through both inlets 26 and 28.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the valve of Kwok et al., having the single moving member, for the valve of Murawa, thereby connecting the outputs (26, 28) of Kwok et al.'s valve to the inputs (122a, 122b) of the receiving device of Murawa, in order to allow fluid to oscillate between each of the two inlet, as taught by Kwok et al.

In regards to claims 2, 3, and 22, the nozzle body can be fitted with different nozzle inserts to produce various types of jets well known in the art (column 2, lines 57-8).

Regarding claim 6, the liquid coming from both inlets does not mix inside the receiving device.

In regards to claim 7, the nozzle insert (120a, 120b) together with at least one wall of the receiving device (101) facing the insert forms a chamber (108a, 108b), which influences the cleaning liquid.

In regards to claims 12 and 13, the inlets (122a, 122b) are perpendicular to the main jet direction of the jet forms to be produced (108a, 108b), and the nozzle insert (120a, 120b) has essentially a cuboid shape.

Regarding claims 16-18, 23 and 24, when a low pressure is applied the valve connects the input to at least one of the outputs, and when a high pressure is applied the valve connects the input to the other output (as long as the low pressure and the high pressure are strong enough to move the valve member 86). When no fluid is supplied, the valve separates the input from all outputs. If the valve is positioned vertically with the outlets being above the inlets, the single moving member will seat against element 20.

With respect to claims 19, 20 and 25, the conveying pump of Murawa as modified by Kwok et al., delivers the cleaning liquid in a controlled manner with varying pressure (column 5, lines 14-7, Murawa), in which the pressure variation is controlled as

a function of the vehicle speed (column 5, lines 46-50 and column 6, lines 15-8, Murawa).

Claims 8-10 and 14 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052), in view of Kwok et al. (4,267,856), further in view of Berning et al (US 2003/0234303).

Murawa as modified by Kwok et al., shows all the elements of the applicant's invention except for the nozzle insert having whirl chambers, formed together with at least one wall of the receiving device and each connected to separate inlets.

However, Berning et al shows a nozzle insert (18) that forms a chamber (28, 30), which influences and/or guides the cleaning liquid. The chamber is a whirl chamber and is connected to an inlet (42) and has at least one jet guide to a nozzle opening (figure 2a). The nozzle insert (18) has a whirl chamber with a jet guide on one side (26), on the other side, opposite the first side, it has a second whirl chamber with a second jet guide (24), wherein the first whirl chamber (26) is connected to a first inlet (42) and the second whirl chamber (24) is connected to a second inlet (44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the nozzle insert of Berning et al for that of Murawa as modified by Kwok et al., in order to include the whirl chambers to atomize the cleaning liquid.

With regards to claim 14, Berning's et al nozzle insert (18) is made of plastic and in particular is produced in a molding process (paragraph, 0042 lines 5-8).

Claim 11 is rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052), in view of Kwok et al. (4,267,856), further in view of Yoshida et al (6,082,636).

Murawa as modified by Kwok et al., as set forth in claim 1, shows all the elements of the applicant's invention except for the nozzle insert having a breakaway edge for producing a flat jet.

However, Yoshida et al shows a breakaway edge (12a) that water is directed towards and a flat jet is produced.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the breakaway edge of Yoshida et al to the nozzle insert of Murawa as modified by Kwok et al., in order to produce a flat jet and spray a larger area on the windscreen.

### ***Response to Arguments***

Applicant's arguments filed 4/29/2008 have been fully considered but they are not persuasive.

Regarding the applicant's arguments that the Kwok reference does not teach a single moving member preventing simultaneous liquid flow through the two inlets, it is respectfully noted that the examiner disagrees. As noted in the rejection above, when the single moving member 30 is in the position as shown in figure 3, it is allowing liquid

flow through inlet 28 but preventing liquid flow through inlet 26, and therefore, the single moving member is preventing simultaneous liquid flow through both inlets 26 and 28. Similarly, when the single moving member is in the position shown in figure 5, it is allowing liquid flow through inlet 26 but preventing liquid flow through inlet 28.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571)272-2708. The examiner can normally be reached on 8:00- 5:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/J. J. B./  
Examiner, Art Unit 3752  
6/24/2008

/Len Tran/  
Supervisory Patent Examiner, Art Unit 3752